Mich., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

The Glycerophosphate Co. was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each Mil. (cc) contains: * * * Sodium Cacodylate . . . 0.032 gm. ½ gr.", in that each milliliter contained not more than 0.006 gram of sodium cacodylate. Said article was alleged to be misbranded in that the statement, "Each Mil. (cc) contains: * * * Sodium Cacodylate . . . . 0.032 gm. ½ gr.," borne on the label, was false and misleading in that it represented that each milliliter of the article contained 0.032 gram, that is one-half grain, of sodium cacodylate; whereas in fact each milliliter of the article contained less than said quantity of sodium cacodylate. It was alleged to be misbranded further in that the name "Glycerophosphate Co.", borne on the label, was misleading in that it contained physiologically active ingredients including iron citrate, strychnine citrate, and sodium cacodylate, not indicated in said name. Said article was alleged to be misbranded further in that the statement regarding its curative or therapeutic effects, "Malnutrition * * * Hematinic * * * Anemia * * * Neurasthenia", borne on the label falsely and fraudulently represented that it would be effective a cure or remedy for, or in the treatment of, malnutrition, anemia, and neurasthenia, and that it would have a hematinic effect.

The iron and arsenic was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each 5 Mil. (cc) contains: Iron Cacodylate . . . . 0.065 gm. 1 gr.", in that each 5 milliliters of the article contained not more than 0.376 grain of iron cacodylate. Said article was alleged to be misbranded in that the statement, "Each 5 Mil. (cc) contains: Iron Cacodylate . . . . 0.065 gm. 1 gr.", borne on the label, was false and misleading in that it represented that each 5 milliliters of the article contained 0.065 gram, that is, 1 grain, of iron cacodylate; whereas in fact each 5 milliliters of the article contained less than said quantity of iron cacodylate. It was alleged to be misbranded further in that the statement regarding its curative or therapeutic effects, "Pellagra, Anemias and various Lymphadenitia and Leukemias * * * thereby producing a prolonged and lasting therapeutic effect", borne on the label, falsely and fraudulently represented that the article would be effective as a cure or remedy for, or in the treatment of, pellagra, anemias, and the various forms of lymphadenitia and leukemias.

The iron, arsenic, and phosphorus was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "5 Mil. (cc) contains: * * * Iron Cacodylate, 1 Gr.", in that each milliliter contained less than said quantity of iron cacodylate. Said article was alleged to be misbranded in that the statement, "5 Mil (cc) * * * Iron Cacodylate, 1 Gr.", borne on the label, was false and misleading in that it represented that each 5 milliliters of the article contained 1 grain of iron cacodylate; whereas in fact each 5 milliliters contained not more than 0.264 grain of iron cacodylate. Said article was alleged to be misbranded further in that the statement regarding its curative or therapeutic effect, "Anemia, Neurasthenia, Rachitis, Osteomalacia * * * Convalescence", borne on the label, falsely and fraudulently represented that the article would be effective as a cure or remedy for, or in the treatment of, anemia, neurasthenia, rachitis, osteomalacia, and in promoting or expediting convalescence.

On February 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27145. Adulteration of Aromatic Spirits of Ammonia, U. S. P. XI. U. S. v. 132 Bottles of Aromatic Spirits of Ammonia, U. S. P. XI. Default decree of condemnation and destruction. (F. & D. no. 38957. Sample no. 8006-C.)

This article differed from the standard prescribed for it in the United States Pharmacopoeia.

On January 14, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bottles of an article labeled "Aromatic Spirits of Ammonia, U. S. P. XI", at Perry Point, Md., alleging that

it had been shipped in interstate commerce on or about October 24, 1936, by the Var-Lac Oid Chemical Co., from New York, N. Y., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Aromatic Spirits of Ammonia", and it differed from the standard of quality and purity as determined by the test laid down in said pharmacopoeia in that it contained crystals of ammonium bicarbonate; whereas the pharmacopoeia described the article as a nearly colorless liquid when freshly prepared, but gradually acquiring a yellow color on standing, and its own standard of quality and purity was not stated upon the container.

On February 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27146. Misbranding of G. W. Davis Inflammatory Extirpator. U. S. v. 29 Bottles of G. W. Davis Inflammatory Extirpator. Default decree of condemnation and destruction. (F. & D. no. 38972. Sample no. 12155–C.)

The quantity or proportion of alcohol contained in this article was not declared on the bottle labels and the declaration on the cartons was inconspicuously placed. The bottle label and enclosing cartons bore false and misleading representations that the article was guaranteed by the United States Government to comply with the Food and Drugs Act, and that it was safe and harmless for internal use; and false and fraudulent representations regarding its curative or therapeutic effects.

On January 25, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bottles of G. W. Davis Inflammatory Extirpator at Providence, R. I., alleging that it had been shipped in interstate commerce on or about December 2, 1936, by Charles L. Isherwood & Sons from Fall River, Mass., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of alcohol (69.2 percent), capsicum, volatile oils including turpentine oil and camphor, a gum. and water.

It was alleged to be misbranded (1) in that the package failed to bear a statement of the quantity or proportion of alcohol that it contained in that no such statement appeared on the bottle labels and such statement on the top flap of the cartons was inconspicuously placed; (2) in that the statement, "Guaranteed * * * Under the Food and Drugs Act, June 30, 1906, Serial No. 12170", borne on the cartons enclosing the bottles, was false and misleading in that it represented that the article had been examined and approved, and was guaranteed to comply with the law by the Government of the United States; whereas in fact the article had not been examined and approved, and was not guaranteed to comply with the law, by the United States Government; (3) in that the statement, "Extirpator is perfectly harmless and can be taken internally, or used as a liniment by the most inexperienced with safety", borne on the bottle labels and upon the cartons, and the statement, "This article is perfectly safe, in every respect, to use as directed", contained in the circular, were false and misleading when applied to an article that was not safe and harmless when used internally. It was alleged to be misbranded further in that statements regarding its curative or therapeutic effects, borne on the bottle labels and cartons and in a circular, falsely and fraudulently represented that when used or administered as directed, it would cure or relieve external and internal pain, coughs, sore throat, astham, la grippe, croup, diarrhea, dysentery, chills, bilious colic, cholera morbus, cholera, cramps, bilious headache, nervous headache, kidney and urinary diseases, dyspepsia, indigestion, sour stomach, costiveness, lack of appetite, neuralgia, general debility, rheumatism, spinal affection, toothache, swelled face, piles, sores of all kinds, fresh wounds, earache, inflamed or weak eyes, and prolapsus uteri.

On February 16, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN,
Acting Secretary of Agriculture.